

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------------|----------|----------------------------|
| UNITED STATES OF AMERICA | : | |
| | : | |
| v. | : | CRIMINAL NO. 11-420 |
| | : | |
| ALI CHARAF DAMACHE, | : | |
| a/k/a "Theblackflag" | | |

STIPULATION REGARDING PROTECTIVE ORDER

WHEREAS, the parties desire to prevent the unauthorized disclosure or dissemination of certain sensitive but unclassified discovery materials to anyone not a party to the court proceedings in this matter;

WHEREAS, the parties agree that entry of a stipulated protective order is appropriate;

IT IS HEREBY AGREED AND STIPULATED that:

1. This Court may enter a protective order pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure, and its general supervisory authority.
2. This Stipulated Protective Order pertains to all materials containing: e-mail addresses, online account names and monikers, the content of any electronic communications, alleged co-conspirator identities or contact information, and/or any personal identifying information, which have been and/or may be provided by the government to defense counsel as part of discovery in this case. Said material shall hereinafter be referred to collectively as "sensitive information."

3. Defense counsel shall not disclose or disseminate¹ any of the sensitive information to any person other than: (a) their client, or (b) any other attorneys, law clerks, paralegals, or secretaries who are working under their direction in the representation of their client. Defense counsel must contact the government and obtain its explicit written consent to disseminate this information to any individual(s) other than those noted.

4. All sensitive information is provided to the defense solely for the purpose of allowing the defendants to prepare their defense.

5. The sensitive information is now and will forever remain the property of the United States Government. Defense counsel will return the sensitive information to the government at the conclusion of this case.

6. Defense counsel will store and maintain custody of the sensitive information in a secure place and will use reasonable care to insure that it is not disclosed to third persons in violation of this Stipulated Protective Order. Defense counsel, or employees acting under the direction of defense counsel, may transport the sensitive materials to meetings with their clients and may allow their clients to review the materials as necessary, so long as the review is done in the presence of defense counsel or such employees. The sensitive materials, however, shall remain in the custody of defense counsel at all times and may not be left, at any time, in the custody of the clients.

7. Defense counsel shall not make, or cause to be made, any further copies of any of the sensitive information, without the express written consent of the government. If the

¹ "Disclose" or "disseminate" mean to provide, show or describe to another person either a particular piece of discovery or quotations, excerpts, or summaries derived therefrom.

government declines a request by defense counsel to provide such consent, defense counsel may ask the district court to consider the positions of both parties and render a final decision on the issue.

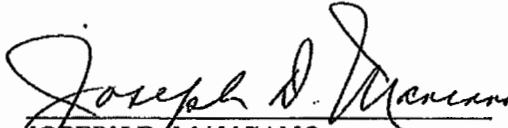
8. If defense counsel discloses any of the sensitive information to any person described in paragraph (3), including their clients, defense counsel shall provide such recipients with copies of this Stipulated Protective Order and advise them that: (a) all recipients of the sensitive information are bound by all the terms of this Stipulated Protective Order, including those terms which prohibit dissemination of the information to any other person and copying of the information; (b) the sensitive information is the property of the United States Government; and (c) an unauthorized use or dissemination of the information may constitute a violation of law and/or contempt of court.

9. Nothing herein constitutes a waiver of any right of any defendant, nor does anything herein restrict in any way, the right of the defense to use the sensitive information in connection with the preparation of their defense.

10. Any papers to be served upon the Court by either party which include sensitive information or refer to sensitive information shall be filed under seal.


11. A copy of this Stipulated Protective Order shall be issued forthwith to defense counsel, who shall be responsible for advising their client and employees of the contents of this Stipulated Protective Order.

DATED: 11-13-17


JOSEPH D. MANCANO
Attorney for Defendant Ali Charaf Damache

LOUIS D. LAPPEN
Acting United States Attorney

DATED: 11-13-2017

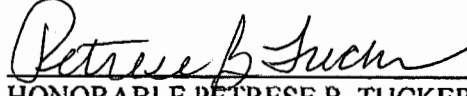

JENNIFER ARBITTIER WILLIAMS
Assistant United States Attorney

MATTHEW F. BLUE
C. ALEXANDRIA BOGLE
Trial Attorneys
Department of Justice, Counterterrorism Section

IT IS SO ORDERED.

DATED: 11/27/17

BY THE COURT:


HONORABLE PETRESE B. TUCKER
Judge, United States District Court